



Florida Carry

Fighting for All Floridians Rights to Keep and Bear Arms

July 29, 2019

Via Certified Mail Return Receipt Requested

Hon. Ashley Moody
Office of the Attorney General
Pl-01 The Capitol
Tallahassee, FL 32399-1050

Re.: Violation of Sec. 790.335, Fla. Stat.

Dear Attorney General Moody,

Florida Carry, Inc. hereby demands a statewide investigation into law enforcement's illegal abuse, misuse, and general operation of the FINDER database including the compilation of lists of gun owners, and illegal retention of records.

This issue was made known to your office in February 2019. In an email sent to Mr. John Guard, I requested an opportunity to speak with you on this issue. I again requested to speak with you in March in another email to Mr. Guard. To date I have not heard from you.

On or about February 27, 2019 I spoke with Mr. Guard regarding ongoing violation of Sec. 790.335, Fla. Stat. by the Sheriff of Charlotte County. At that time, I expressed a concern that other sheriffs around the state might also be in violation of that statute. I also expressed concerns regarding submission of this investigation to FDLE. That agency is currently being sued by Florida Carry for its abuse of Floridian's Second Amendment rights to purchase firearms, and indefinite delays in approval or denial of purchases.

On February 27, 2019 I sent Mr. Guard an email to follow up on our conversation. In my email I provided evidence that the Charlotte County Sheriff was in violation of Sec. 790.335. The email included a request that all 67 Sheriff's offices in the

state be investigated to determine if they were maintaining similar records in violation of state law.

Mr. Guard later notified me that FDLE would be investigating the issue. I never received any response from FDLE through April 29, 2019.

On May 5, 2019 I received notice that the local SAO for Charlotte County had investigated a similar complaint and determined there was no wrongdoing by the sheriff. This investigation was handled by ASA Anthony Kunasek of the 20th Circuit SAO. Mr. Kunasek is listed as the head of the Special Prosecutions Unit of the 20th Circuit. On May 6, 2019 I spoke to Mr. Kunasek and explained the problems with his initial investigation. On May 7, 2019, I emailed ASA Kunasek and detailed for him the exact violations of law that were occurring. These included:

1. The use of the FINDER program to provide law enforcement with personally identifying information of any person who pawned a firearm;
2. The use of the FINDER program for purposes other than those provided for by law;
3. Data mining the FINDER database to create lists of firearms owners who had sold or pawned a firearm;
4. The list of firearms owners being emailed to avoid the automatic deletion of information required by the terms of Florida law;
5. The searchability of old records that had been illegally preserved to determine whether an individual owned or had previously owned firearms; and
6. The fact that the FINDER program should not have as a capability or requirement, the transmission of personally identifying information to local law enforcement.

Mr. Kunasek responded that the detailing of the various violations did not affect his opinion. The fact that Mr. Kunasek could reach such an opinion with the evidence and law laid out for him demonstrates the necessity that these violations be investigated by an independent prosecutor. One who is not beholden to local

law enforcement and will not be required to work with the local department that is breaking the law on an ongoing basis.

A copy of the listing of violations and Mr. Kunasek's email, along with the supporting evidence, was sent to Mr. Guard on May 9, 2019. His response was that the information had been forwarded to FDLE.

On May 15, I send another email to Mr. Guard with the supporting documentation previously provided to Mr. Kunasek. In that email I made clear that this appeared to be a multi-jurisdictional issue around the state of Florida. Mr. Guard provided no response after his May 9 email.

It is clear from the documents I have provided to your office that the FINDER pawn and second-hand dealer system is being used to obtain personally identifying information on Florida gun owners in violation of state law. It is further clear that these records have been retained beyond the time allowed by law. Emails provided to your office demonstrate that the fears of gun owners regarding these records are well founded, and that law enforcement is using the records beyond their intended and lawful purpose of preventing pawning of stolen firearms. In the emails law enforcement discusses using the records for other purposes.

Regardless of the reasons for these violations of the law, they are the LAW of this state. It is your responsibility under the oath you took to seek out law breakers and hold them to account.

During my extensive discussions with you prior to your election, you made clear to myself and board members of Florida Carry that no person was above the law and that you would prosecute violations of Florida law regardless of the person or entity responsible. You also made clear that you would support the rights of gun owners to have their rights protected. I took you at your word and you have given me no reason to doubt you. I can only assume that this information has not made its way to you and that you were unaware of these ongoing violations.

The right of gun owners not to be on government registration lists is clear in Chapter 790 Florida Statutes. Despite those protections it appears that at least one sheriff's office is violating those rights and is being protected by the local SAO.

Florida Carry expects that the Attorney General of Florida will faithfully execute and enforce the laws of Florida regardless of who is breaking them. We call on you to launch an immediate investigation of these lawbreakers regardless of their positions of power.

Please contact us within 72 hours of receiving this letter to let us know whether we can expect to have these violations addressed by your office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Eric J. Friday". The signature is fluid and cursive, with the first name "Eric" being more prominent.

Eric J. Friday, Esq.

General Counsel, Florida Carry

Cc Regular Mail Only:

Governor Ron Desantis

State Attorney Amira Fox

John Guard

Board of Directors Florida Carry, Inc.